

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

ROY F. HILLBERRY, II,

Plaintiff,

v.

CIVIL ACTION NO. 2:13-cv-21893

DAVID BALLARD,

Defendant.

**MEMORANDUM OPINION AND ORDER**

Before the Court is Petitioner Roy F. Hillberry's Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 [ECF 1] and Respondent David Ballard's motion for summary judgment [ECF 10]. By Standing Order entered April 8, 2013, and filed in this case on August 20, 2013, this action was referred to Magistrate Judge Cheryl A. Eifert for submission of proposed findings and a recommendation for disposition (PF&R). On November 13, 2014, Magistrate Judge Eifert issued a PF&R [ECF 18] recommending that the Court deny Petitioner's § 2241 motion, grant Respondent's motion for summary judgment, and dismiss this case with prejudice.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need


not conduct a de novo review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982). Objections to the November 13, 2014, PF&R in this case were due on December 1, 2014. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R [ECF 18], **DENIES** Petitioner’s § 2241 motion [ECF 1], **GRANTS** Respondent’s motion for summary judgment [ECF 10], **DISMISSES WITH PREJUDICE** this action, and **DIRECTS** the Clerk to remove this case from the Court’s docket.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: December 15, 2014

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON  
UNITED STATES DISTRICT JUDGE